



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

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February 21, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the Legislative Analyst's Office review of the major criminal justice proposals of County interest contained in the Governor's FY 2014-15 Proposed Budget.

Legislative Analyst's Office Review of Governor's FY 2014-15 Budget: Criminal Justice Proposals

On February 19, 2014, the Legislative Analyst's Office (LAO) released its review of the criminal justice proposals contained in the Governor's FY 2014-15 Proposed Budget. While the LAO's report notes recent declines in State General Fund spending for various criminal justice programs, namely trial courts and corrections which have seen significant reductions in their respective budgets since FY 2010-11, the LAO indicates that the Governor's FY 2014-15 Proposed Budget would increase spending on judicial and criminal justice programs by an estimated \$543.0 million or about four percent above current year expenditures.

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The Legislative Analyst's Office assesses a number of proposals of County interest contained within the Governor's Budget related to jail construction funding, long county jail sentences and split sentences, and trial court funding.

Jail Construction Funding. The Governor's Budget proposes \$500.0 million in lease-revenue bonds for county jail construction to augment the \$500.0 million allocated under SB 1022 (Chapter 42, Statutes of 2012), which provided funding for counties to invest in jail and reentry construction projects. In assessing this proposal, the LAO indicates that the State has not conducted a comprehensive survey or analysis of county jail needs across the State. The LAO notes that since implementation of the 2011 Public Safety Realignment, the statewide jail population has increased by 11,000 inmates and, as of June 2013, 56 jail facilities in 25 counties had average daily populations that exceeded their rated capacities. However, 65 jail facilities in 45 counties had an average daily population below rated capacity. Further complicating the issue, the LAO notes that many counties operate under self-imposed or court-imposed population caps - 39 facilities in 19 counties - resulting in the early release of inmates. In the first half of 2013, an average of 13,000 inmates per month were released early from county jails.

As a result of the apparent diversity in county jail construction needs, the LAO suggests that the Administration should more appropriately assess the need prior to allocating additional funding. Specifically, the LAO recommends for the Legislature to direct the Administration to conduct an analysis which would include: 1) how counties have maximized existing jail space; 2) the effectiveness of county plans to use space for rehabilitation programs; and 3) the ability of counties to use local resources to fund jail construction projects.

Long County Jail Sentences and Split Sentences. The Governor's Budget includes two policy proposals that would modify certain sentencing provisions of AB 109 and the 2011 Public Safety Realignment.

- **Long County Jail Sentences.** The Governor proposes that county jail sentences of more than 10 years be served in State prison. While the LAO acknowledges that county jails were not designed to house long-term offenders and longer sentences create population management challenges within jails, the LAO estimates that the effect on the State prison population would be much larger than indicated by the Administration and that the proposal reverses the intent of public safety realignment. As such, the LAO recommends the Legislature reject this proposal.

- **Split Sentences.** The Governor proposes to make split sentences presumptive, meaning any county jail felony sentence would be a split sentence unless a judge determines otherwise. The proposal further specifies how judges can divide the split sentence based on the length of the overall sentence. The LAO indicates that the proposal has merit but the Legislature may want to modify it. Specifically, the LAO notes that there is no evidence regarding an optimal length of community supervision versus jail time and the proposal may be overly restrictive on the ability of judges to determine the appropriate split of a sentence and removes judicial flexibility.

Trial Court Funding. The Governor's Budget proposes a State General Fund augmentation of \$100.0 million for trial court operations. The LAO indicates that the judicial branch has experienced one-time and ongoing budget reductions since FY 2008-09 and notes that by FY 2012-13, the trial court budget would have experienced \$724.0 million in ongoing State General Fund reductions. The LAO states that given these budget reductions and the concerns over the likely negative impacts on the trial court system and court users, the Legislature should consider the proposed funding increase. However, the LAO recommends that the Legislature: 1) further defines its priorities for how the funding be spent within the branch; 2) considers how to implement more operational efficiencies; and 3) establishes a comprehensive trial court assessment program to assess whether the funding provided is being used by the trial courts effectively.

The LAO report is available at <http://www.lao.ca.gov/Publications/Detail/2948>.

This office is working with affected departments to determine the potential impact of these proposals on the County. We will continue to keep you advised.

WTF:RA
MR:KA:ma

c: All Department Heads
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